

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

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MDL No.2:18-mn-2873-RMG

CASE MANAGEMENT ORDER NO. 26H

This Order Relates to All Actions

**SCHEDULING ORDER GOVERNING GROUP B PERSONAL
INJURY BELLWETHER TRIAL POOL CASES**

On December 30, 2024 the Court issued CMO 26F amending the scheduling of discovery in the “Group B” CMO 26 personal injury bellwether cases, and directing the Parties to propose between two and four Additional Discovery Pool Plaintiffs alleging ulcerative colitis. [ECF 6526]. On March 14, 2025 the Parties jointly proposed three Additional Discovery Pool Plaintiffs alleging ulcerative colitis to proceed to Tier 1 Discovery. [ECF 6791]. The Court approved the selection of these three Plaintiffs on April 3, 2025. [ECF 6914]. The Court now issues the following Case Management Order (“CMO”) amending the schedule for completing further discovery in the Tier 1 Group B cases selected by the Court by Order dated April 3, 2025. [ECF 6914].

Amended Schedule for Additional Tier 1 Group B Cases Alleging Ulcerative Colitis

1. All provisions of CMO 26F remain in effect other than as modified below.
2. Tier 1 Discovery as to the Additional Discovery Pool Plaintiffs selected as part of this process shall proceed in compliance with the principles of CMO 26C (ECF 4276) except that Tier 1 Discovery shall take place from April 7, 2025 to August 11, 2025 (“Tier 1 Discovery Period”).
3. By no later than July 21, 2025, the Parties shall propose a process for selecting which of the Additional Discovery Pool Plaintiffs should be included as Tier 2 Group B cases.

4. Following completion of the Tier 1 Discovery Period in the Additional Personal Injury Bellwether Discovery Pool Cases, the Court shall determine whether to include any of these Additional Discovery Pool Plaintiffs in the Tier 2 Group B bellwether cases. The presumption shall be that the Court will select one additional ulcerative colitis plaintiff to proceed into Tier 2 Discovery, but the Court shall make the ultimate determination as to whether to include more than one additional plaintiff.

General Schedule for Tier 2 Group B Cases

5. For cases already designated for Group B, Tier 2 Discovery prior to the date of this order, Tier 2 Discovery commenced on July 16, 2024. The Parties shall conduct any additional fact discovery related to newly-selected Group B cases after the process described in this order beginning on August 11, 2025, or on the day following selection of any such Group B cases. Regardless of when Tier 2 Discovery commenced, Tier 2 Discovery for all Group B Plaintiffs shall be presumed to close on September 12, 2025. Prior to the scheduled August 8, 2025 status conference, the parties shall advise the Court as to the progress of Tier 2 Discovery for the Group B cases, including whether the Tier 2 Discovery end date should be further extended. In the event that the Court has not ruled on the selection of the Additional Discovery Pool Plaintiffs by August 21, 2025 as contemplated in Paragraph 5, the Parties will meet and confer and propose a reasonable extension of Tier 2 Discovery.

6. It is currently contemplated that at the conclusion of Tier 2 Discovery for all Group B cases, the Parties shall exchange expert discovery related to the Tier 2 Group B cases according to a schedule that the parties will continue to negotiate and submit to the Court in advance of the August 8, 2025 Case Management Conference. Such proposal shall address a schedule as to both the currently selected Group B cases and any proposed additional Group B cases as addressed above, including whether to further extend Tier 2 Discovery.

IT IS SO ORDERED.

s/ Richard M. Gergel
Hon. Richard M. Gergel
United States District Judge

Dated: April 25 2025
Charleston, South Carolina